

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BANK OF NEW YORK MELLON,

Plaintiff(s),

v.

TERRA BELLA OWNERS ASSOCIATION,
et al.,

Defendant(s).

Case No.: 2:16-cv-00549-APG-NJK

Order

On July 15, 2020, the Court issued an order setting this matter for a settlement conference to be held on August 20, 2020. Docket No. 95. The order established very clear requirements for that settlement conference, including that “[a]ll counsel of record” must attend by video. *Id.* at 1. To the extent any attorney of record did not wish to attend, the Court further provided that a written request could be filed seeking to be excused. *Id.* at 2.

The attorneys of record for the Bank are Darren Brenner, Jamie Combs, Lillith Xara, Nicholas Belay, and Ariel Stern. No request was filed seeking that any of these attorneys be excused from attending the settlement conference. Inexplicably, however, the Bank’s settlement brief indicates that it will be represented at the settlement counsel by an entirely different attorney, Melanie Morgan.

The attorneys of record for Saticoy Bay are Christopher Benner and Roger Croteau. The attorneys of record for Midnight Rambler Trust are also Christopher Benner and Roger Croteau. No request was filed seeking that either of these attorneys be excused from attending the settlement

1 conference, but these defendants' joint settlement brief does not indicate that Mr. Benner will
2 attend the settlement conference.

3 Consistent with the order setting the settlement conference, the Court will move forward
4 with the settlement conference with all of the above attorneys of record unless further orders issue
5 to the contrary. To the extent any attorney of record wishes to be excused, a proper request for
6 that relief must be filed by noon on August 17, 2020.¹ To the extent any attorney of record wishes
7 to be removed as an attorney of record, a proper request for that relief must be filed by noon on
8 August 17, 2020. To the extent any attorney who is not currently counsel of record wishes to
9 attend the settlement conference, a notice of appearance must be filed by noon on August 17, 2020.

10 IT IS SO ORDERED.

11 Dated: August 14, 2020

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13 Nancy J. Koppe
14 United States Magistrate Judge

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27 ¹ The deadline for seeking to be excused from attending the settlement conference has
28 already expired, *see* Docket No. 95 at 2, but the Court is providing this opportunity to seek relief
as a one-time courtesy to counsel. **The Court expects strict compliance with its orders moving
forward in this and any other case in which counsel are participating.**